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FILED

MAY 26 2021

US DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 DONALD HUMES

14 Plaintiff,

15 vs.

CASE NO.: 2:17-CV-01778-JAD-DJA

16 ACUITY, A MUTUAL INSURANCE
17 COMPANY, a foreign corporation; DOES 1
18 through 10; and ROE CORPORATIONS 1
19 through 10, inclusive,

20 Defendants.

21 **STIPULATION AND ORDER ON ARGUMENT AND EVIDENCE AT TRIAL**

22 **IT IS HEREBY STIPULATED** by and between CARA XIDIS, ESQ. and JUSTIN
23 WILSON, ESQ. of H&P LAW, attorneys for DONALD HUMES; and MARISSA R.
24 TEMPLE, ESQ., and STEPHEN H. ROGERS, ESQ. of the law firm of ROGERS,
25 MASTRANGELO, CARVALHO & MITCHELL, attorneys for Defendant, ACUITY, A
26 MUTUAL INSURANCE COMPANY, as follows:

- 27 1. That the applicable insurance contract, identified as Policy No. 4885671600, was in
28 force at the time of the accident;
2. That Plaintiff Donald Humes was an insured under that contract;

- 1 3. That the policy provides uninsured/underinsured motorist (UIM) coverage up to
2 \$1,000,000 per person, and medical payments coverage of up to \$5,000; and
3
4 4. That there is a set-off applicable to any jury verdict in the amount of \$105,000,
5 representing the \$100,000 paid by the tortfeasor's policy, and the \$5,000 paid by
6 Acuity under the medical payments coverage provision;
7
8 5. That the jury will be charged with determining the full amount of the Plaintiff's
9 damages, if any;
10
11 6. That the applicable set-off will be deducted by the Court following entry of the jury
12 verdict, with the remainder representing the amount due and owing to Plaintiff by
13 Defendant under the policy;
14
15 7. That the jury will not hear evidence of the amount of any set-off.

16 **DATED** this 21st day of May, 2021.

17 **H&P Law**

18 */s/ Cara Xidis*

19 CARA XIDIS, ESQ.
20 Nevada Bar No. 11743
21 JUSTIN WILSON, ESQ.
22 Nevada Bar No. 14646
23 8950 West Tropicana Ave., Suite 1
24 Las Vegas, Nevada 89147
25 *Attorneys for Plaintiff*

16 **DATED** this 21st day of May, 2021.

17 **ROGERS, MASTRANGELO,**
18 **CARVALHO & MITCHELL**

19 */s/ Marissa R. Temple*

20 STEPHEN H. ROGERS, ESQ.
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26 *Attorneys for Defendant*

ORDER

It is so ordered.

Dated this 26th day of May, 2021.


UNITED STATES DISTRICT COURT JUDGE